

## GLAVIS' COUNSEL ASKS LAWLER BRIEF

### Mystery Surrounds Document Mentioned by Ballinger.

#### CHAIRMAN NELSON ANGERED

His Display of Temper Toward Attorney Brandeis and Interruption by Woman Spectator Is Spectacular Development of Day—Investigating Committee in Wrangle.

A request that the Ballinger-Pinchot investigating committee call for the original copy of the resume of the evidence in the Glavis charges prepared by Oscar Lawler, Assistant Attorney General for the Interior Department, for President Taft, was submitted yesterday by L. R. Glavis, counsel for L. R. Glavis.

A request was also made that Mr. Lawler be required to furnish a copy of this resume or report.

At the morning session of the committee it was announced by Chairman Nelson that the committee had not passed on the request. Late in the afternoon the chairman stated the committee had decided to grant the request in so far as it called on Mr. Lawler, but that the committee had decided not to call on President Taft for the original copy.

#### Mentioned in Testimony.

Mystery surrounds this document, as it was never heard of officially in the case until in the course of his testimony last week Secretary Ballinger said that Mr. Lawler had accompanied him to Beverly last September and had later returned to Beverly with a memorandum covering the case, which was submitted to the President.

When the President was called upon by the Senate to transmit all documents, etc., used or considered by him in the preparation of his decision, exonerating Mr. Ballinger and condemning Glavis, he sent in a great mass of papers, but the Lawler brief was not among them.

Mr. Brandeis was endeavoring to get the original, or a copy of the original, of this Lawler brief, in an effort, it is understood, to show its striking resemblance to the President's opinion in the case. As yet, however, no direct charge has been made that the exonerator of Mr. Ballinger was to all intents and purposes prepared in his own department by one of his subordinates.

The spectacular development of the day's session was a display of temper on the part of Chairman Nelson toward Attorney Brandeis and an interruption by one of the women spectators. Mr. Brandeis had asked Secretary Ballinger to furnish a list of the land cases in which he or his firm had acted as counsel during the year between Mr. Ballinger's retirement from the office of Land Commissioner and his appointment as Secretary of the Interior, and Chairman Nelson, in the course of a discussion of the relevance of the question, expressed the opinion that it was of no importance.

#### Thought It Important.

"Mr. Chairman," said Mr. Brandeis, with emphasis, "I think it is important." Mr. Brandeis' tone irritated the Senator, and there was an explosion.

"You needn't snap at me," shouted Mr. Nelson. "You can insult witnesses, but you can't insult the committee."

Before Mr. Brandeis could make a reply, a woman among the spectators interrupted.

"The committee has no right to insult him, either."

No reply was made by any member of the committee. Mr. Brandeis offered no apology to Senator Nelson, the Assistant Sergeant-at-Arms called "Order!" and the incident was closed.

#### In Resuming his Cross-Examination

of Secretary Ballinger early in the day, Mr. Brandeis started a line of questions to show that men who were claimants in Alaskan coal lands were active in the election of Senator Samuel H. Piles, of Washington, in 1905, were later influential in bringing about the appointment of Mr. Ballinger as Commissioner of the General Land Office, and his appointment as Secretary of the Interior. He had Senator Sutherland objecting to the ground that the committee should not draw into an inquiry into the election of Senator Piles.

#### Wrangle Lasts Hour.

A wrangle, in which all members of the committee took a hand, followed and lasted more than an hour. Senators Sutherland, Root, and Nelson and Representative Denby were angry.

Finally, after getting some evidence into the record supporting his point, Mr. Brandeis took a recess, and returned again to the clear-listing of theingham claims. He asked for a specific answer to the question whether the necessary examination of the claims had been made, and there was no reason why they should not pass to patent.

Mr. Ballinger reiterated his statement that he was justified in clear-listing the claims, and would do the same thing again on the same record, but he did not make a specific reply. The question was repeated and repeated again without getting the specific answer. Senator Root then objected to Mr. Ballinger's being required to make further answer to the question.

There was further wrangling, followed by a motion by Representative Graham that the witness be required to answer. The vote was divided on strictly party line. Representative Graham then served notice on the committee there would be record votes on all points raised hereafter.

#### Insists Nothing Illegal.

At the afternoon session Mr. Brandeis took up the question of Mr. Ballinger's having acted as counsel for the Cunningham claimants in 1905, and endeavored to show that this was in violation of rules of the Department of the Interior, as promulgated by former Secretaries Hitchcock and Garfield, and by the present Assistant Secretary, Mr. Pierce. Mr. Ballinger, while admitting the rules had been made, insisted there was nothing illegal. He also admitted these departmental rules had not been called to President Taft's attention.

The point was brought out again that Secretary Ballinger had had stock in two companies in behalf of which he had taken matters up with the Interior Department, but the Secretary insisted there was no impropriety in that, and that it was of no significance as bearing upon his fitness for the office he now holds.

A ten-year-old clove tree will produce about twenty pounds of cloves a year.

## YESTERDAY IN CONGRESS.

(MAY 10, 1910.)

### SENATE.

Little time was given to routine morning business in the Senate yesterday. Senator Piles, of Washington, resumed his speech, begun Monday, in opposition to the "long and short haul" clause in the railroad bill, and at the conclusion of it Senator Lodge, of Massachusetts, spoke in opposition. A general debate ensued, in which Senators Lodge, of Kansas; Smoot, of Utah; Dixon, of Montana; and Heyburn, of Idaho, appeared.

Just before the close of the session Senator Carter, of Montana, reported from the Post-office and Post Roads Committee, and secured the passage of a resolution directing an investigation by the committee of alleged abuses of the franking privilege, disclosed in the Senate debate Monday.

In the executive session a number of nominations were confirmed, the most important being Foster V. Brown, of Tennessee, to be attorney general for Porto Rico.

The Senate adjourned at 4:30 p. m. until noon today.

### HOUSE.

The House yesterday passed the administration railroad bill as reported last week by the Committee of the Whole. An effort by Representative Mann to have inserted a merger section in place of section 12, stricken out previously, failed; but the regulars voted the committee report.

A substantial majority for the bill resulted from President Taft's efforts in winning over the House Republicans. The bill was passed by a vote of 206 to 126.

The House also passed three resolutions by Representative Mann, of Colorado, directing an inquiry into the alleged sale of Friar lands in the Philippines to the sugar trust.

At 7 p. m. the House adjourned until today at noon.

## MAY REVISE TARIFF.

### President Taft Admits There Are Certain Bad Features.

Another revision of the tariff to be made by Congress in special session either in 1911 or 1912 may be the promise of Republican orators in the coming Congress campaign.

According to members of Congress who have talked with President Taft recently, the tariff board, with the \$250,000 appropriation which it is now believed will be given it in the sundry civil bill, will have plenty of money to investigate and compare manufacturing conditions here and all over the world.

This information, it is probable, could be collected within two years. Although President Taft has said repeatedly the Payne-Aldrich law is the "best tariff" ever, he has admitted that there are certain bad features.

If the investigations of the tariff board showed still more "bad" paragraphs, it was said yesterday, Mr. Taft would not hesitate to call a special session of Congress to make the revisions necessary.

## WILL PROBE FRANKING ABUSES

### Senate Passes Resolution Directing Investigation of Measure.

The Senate yesterday passed a resolution reported from the Committee on Post-offices and Post Roads by Senator Carter, directing the committee to investigate alleged abuses of the franking privilege, and with special reference to the circulation through the mails under a Congressional frank of a document of nearly 500 pages entitled "The Story of the Tariff."

The volume was an argument in defense of the Payne-Aldrich bill, and attention was called to it in the Senate yesterday. There was no objection to the resolution directing the investigation.

## PROTEST GREENE BILL.

### Claim Proposed Coast Regulation Gives Monopoly to Panama Road.

Protest was made yesterday to the House Interstate Commerce Committee by Joseph R. Ford and other representatives of shipping lines against the Greene bill to regulate the coastwise transportation of property owned by the United States government and merchandise transported by the United States government.

The claim was made that it would grant a monopoly to the Panama Railroad.

## SUGAR RESOLUTIONS PASSED.

### Representative Martin Proposes to Show Lands Illegally Owned.

Three resolutions introduced by Representative Martin, of Colorado, relating directly or indirectly to the question of the sugar trust of friar lands in the Philippines, were passed by the House yesterday.

One of the resolutions directs the Attorney General to forward to the House copies of his opinion under which the sugar trust was enabled to purchase large tracts of friar lands.

A second resolution requests the Secretary of War to furnish a list of names of those persons or corporations who have acquired lands in the Philippines.

The third resolution calls for other pertinent information.

The resolutions passed are three of a series that Mr. Martin has offered in an effort to show the sugar trust got title to lands in the Philippines without authority of law, and that Henry W. Taft, of New York, acting as counsel for the sugar trust, had something to do with the transaction.

## KEEPS UP ATTACK.

### Senator Piles Subjected to Rapid Fire of Questioning.

The Senate took up the consideration of the railway bill soon after it met yesterday. Senator Piles, of Washington, resumed his speech, begun Monday, in which he attacked the proposed "long and short haul" amendment offered by Senator Dixon, of Montana. He was subjected to a rapid-fire of questioning by Senators from the inter-mountain States, Dixon, Smoot, and Heyburn, all of whom are in favor of the amendment.

Sensors Dixon, Aldrich, and Bailey engaged in a sharp colloquy in the course of the debate. Mr. Aldrich was opposing the amendment offered by Senator Dixon. He declared that its purpose was to "disturb commercial centers" and build up a great monopoly at Missoula, Mont.—Senator Dixon's home—and another at Salina, Kans.—Senator Bristow's home—at the expense of Chicago, Seattle, St. Paul, and other present centers. Mr. Dixon did not share the general meriment that greeted Mr. Aldrich's remark. The Senator from Montana declared that there are single counties in his own State, Montana, that would make two Rhode Islands in area.

Referring to the statement a few days ago by Senator Elkins that if people in Montana, Utah, and other inter-mountain States do not like their surroundings they should migrate to the more favored localities, like Los Angeles, Seattle, and Portland, Mr. Dixon replied with great warmth that he resented such taunts.

## Memorial Day Celebrated.

Salisbury, N. C., May 10.—Memorial day was fittingly celebrated in Salisbury today about 200 Confederate veterans. Addresses were made by Col. A. H. Boyd, former Representative John S. Henderson, and Mrs. Frances Tierman, the noted authoress, and others.

## THE SCHOOLMASTER.

My teacher used to call me 'bub,' and when he called he'd take a club, and roll his sleeves up to his chin, and scare me with his fishy grin; he'd show me where I'd have to stand and tell me to extend my hand. "My son, it grieves me to the quick, that I must lam you with a stick," that tiresome teacher used to say, still grinning in his fiendish way. "The walloping may make you sore; alas, it hurts your teacher more! Don't think, my lad, that when I whale your short ribs with this cedar rail, that I am glad to make you smart; it grieves and wounds me to the heart. Now, stand up here, you little dunce—" He soaked me forty ways at once; he cracked me twice across the toes, and landed then upon my nose, and dotted me upon the chin as though he'd like to drive it in. And as he swung his trusty pole he gasped the same old riddle: "It—does not—cause—your teacher—bliss—that he—must—slug you—slats like—this!" I soon forgot the rain of blows, the swats he gave me on the nose; but o'er his dreary platitudes my spirit broods, and broods, and broods. And all my life I've found it thus; a fellow will not make much fuss if Fortune uses him like sin—if she omits to rub it in!

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## FARMERS NOW PROUD PEOPLE

### North Dakota Professor Testifies Before High Price Probers.

Declares Land Has Advanced but Productivity Decreased 10 Per Cent in Ten Years.

Prof. John H. Shepherd, dean of the North Dakota Agricultural College, at Fargo, told the select committee of the Senate that is investigating high prices yesterday that farmers were getting to be a proud people, and looked with disdain on any of the rural neighbors who had not all the equipments for modern farming, such as rural telephones, automobiles, or buggies.

"If a farmer in North Dakota has no telephone in his house, he is ostracized," said Prof. Shepherd. Rural free delivery, he declared, had inspired the farmer to write more letters. The price of land had advanced, but the productivity had decreased at least 10 per cent in ten years. Prices of farm labor had advanced, and also the cost of farm implements, to an extent that made the purchasing power of a bushel of wheat at \$1 the same as a bushel at 80 cents was ten years ago.

Asked to compare the prices of farm implements with what they are in Canada, Prof. Shepherd replied that Canadian farmers paid 25 per cent more for implements than North Dakota farmers.

Senator Gallinger, a "stand-pat" Republican member of the committee, chuckled until his sides shook because of this unexpected argument in favor of the tariff law. Senator Clark, Democrat, of Arkansas, was much disappointed.

"You must have been reading standard literature," he remarked to the witness.

## BUREAU OF MINING VOTED.

### John Mitchell Barred from Commissionership by Bill.

A bureau of mines and mining will be established in the Department of the Interior on July 1, under the terms of a bill that has just been passed by the House and Senate.

The bill now goes to the President for approval.

The creation of the bureau was recommended by President Roosevelt, and later by President Taft. In the Roosevelt regime it was the general understanding that if the bill became a law John Mitchell would be named Commissioner of Mines and Mining.

The bill just passed is so framed that it will prevent the appointment of Mr. Mitchell, as it provides that the commissioner shall have a scientific knowledge of the questions to come up for consideration before the new bureau.

## YARD TRACKAGE SOLUTION.

### House Bill Authorizes Construction of Government Spur Along River.

Following the defeat Monday by the House of the bill authorizing the Philadelphia, Baltimore and Washington Railway to maintain its present tracks, on grade, to the navy yard, Representative Sims, of Tennessee, yesterday introduced a bill to solve the problem raised by this action. Unless another way out of the difficulty is presented the present spur will have to be removed after May 27, when the present injunction of the District Supreme Court, under which the tracks are now maintained, expires.

The railroad company has refused to build another spur at its own expense. Mr. Sims proposes to have Congress pay for the construction of a new track connection to the navy yard.

His bill directs the Secretary of the Navy to construct a single track siding to the navy yard along the Anacostia River, at a cost of \$200,000, in addition to such amount as may be required to pay damages for land taken.

Pending the completion of this siding, the Philadelphia, Baltimore and Washington Railway is authorized to maintain its present track connection with the navy yard by means of a single track in K street and Canal street southeast for a period of two years, or within sixty days after the completion of the spur, when the company shall be required to remove the existing tracks at its own expense.

Two years ago Mr. Sims introduced a similar bill, appropriating only \$50,000 for the construction of the proposed siding by the government.

## Package Bill in Senate.

Senator Page introduced in the Senate yesterday a bill similar to the Moore bill, now before the House, requiring the net quantity of the contents of certain packages of food to be marked on the outside of the package.

## Massachusetts Avenue Extension.

Senator Scott yesterday reported favorably to the Senate the bill providing for the extension of Massachusetts avenue northwest, from Wisconsin avenue to the District line.

## Inauguration Day to Be Fixed.

The House will vote next Monday on the joint resolution proposing to change the date of inaugurating future Presidents and Vice Presidents of the United States from March 4 to the last Thursday in April.

## BOTANIC FENCE TO GO.

### Familiar Old Brick and Iron Barricade Interferes with Memorial.

The familiar old fence around the Botanic Gardens, at the foot of Capitol Hill, will soon be demolished. With the completion of the Grant memorial in the eastern end of the gardens, it will be necessary to remove the old brick and iron barricade, which has been one of the landmarks of Washington for years.

## PROVISO IN POSTAL BILL.

### Proposes Distribution of National Debt Among People.

The distribution of the national debt among the people of the United States is the object of a new provision just incorporated in the postal savings bank bill, which, it now appears probable, will soon be reported from the House Post-office Committee.

As tentatively decided, the bill provides that 50 per cent of the money deposited in postal savings banks shall be invested in government bonds valued at \$24 each, the remaining 50 per cent to remain in the locality where the money is deposited. The \$24 bonds will be used, by this plan, to take up \$55,000,000 worth of 3 per cent bonds on call.

Members of the House Post-office Committee are confident that while the bill as agreed upon by the committee is not in entire harmony with President Taft's views, that he will give it his approval.

As soon as the President does O. K. the measure, a Republican caucus will be called to consider the subject.

## MORMON REPORT UP TO SMOOT.

### Utah Senator to Pass Judgment on Printing Resolution.

Senator Reed Smoot, an apostle of the Mormon Church, may soon be called upon to pass judgment on a resolution providing for the printing of a report which held the Mormons, from Brigham Young down, "directly or indirectly" responsible for the Mountain Meadow massacre of 1871.

The report was written by Maj. J. H. Carleton, of the United States Army, in May, 1879.

A few days ago Representative Hughes, of West Virginia, presented a resolution in the House authorizing a print of 100,000 copies of the Carleton report. Mr. Hughes offered the resolution at the request of persons in West Virginia, who desire to use it, so it is said, to combat Mormon proselytizing.

According to Mr. Hughes, many religious publications are asking Congress to print the Carleton report.

In his report on the Mountain Meadow massacre, Maj. Carleton said there could not be "the shadow of a doubt that the immigrants were butchered by the Mormons themselves, assisted, doubtless, by the Indians."

If the measure passes the House it will go to the Senate and be referred to the committee on Printing of that body, of which Senator Smoot is chairman.

## CONFIDENCE.

Subject for The Washington Herald Optimists.

### By THE OPTIMIST.

The weekly topics which are being discussed by The Washington Herald Optimist Club are attracting a good deal of attention, and many letters of commendation and support are being received by The Optimist.

It shows that the cause of optimism is still marching steadily on. Progress and development along clean and upright lines—these are only part of the aims of the Optimist Club.

The membership is gradually increasing—not so fast perhaps as the merits of optimism would seem to deserve—but fast, indeed, when we consider that the interest in optimism is of comparatively recent growth.

The Optimist is at the head of the crusade for mental and moral betterment. If you ally yourself with this movement you will become better men and women; you will put behind you all disagreeable things and wonder why you ever spent so much of your time worrying over trifles.

Don't worry! Smile and keep on the sunny side!

In short, become a member of The Washington Herald's Optimist Club.

Membership costs nothing, and it offers you a great deal. It keeps you cheerful, and makes every one like you.

Who would not be an optimist? For Sunday, May 22, the subject which the members will discuss is "Confidence." There ought to be plenty of that quality in the make-up of the genuine optimist.

Contributions on "Confidence" should be addressed to The Optimist, The Washington Herald, and should be received not later than noon on Wednesday, May 18, in April.

## TAFT WINS OUT ON RAILROAD BILL

### Big House Majority Sends Measure to Senate.

#### PRESIDENT WINS INSURGENTS

No Republican Votes Against Administration Rate Bill, and a Handful of Democrats Support It—Attempt to Put Back Merger Section Fails. Commerce Court Provision Saved.

The Republicans of the House, uniting for the first time this session, passed the administration railroad bill yesterday.

The measure went through by a vote of 206 to 126. Not a Republican strayed from the fold—a circumstance that brought a grin of satisfaction to the rugged countenance of Uncle Joe Cannon. Ten Democrats, on the other hand, voted for the bill.

While the bill contains some provisions that are objectionable to President Taft, administration leaders are elated over the fact that the measure is now on its way to the Senate. It is one step nearer the statute books, and Republicans now generally agree that "a good railroad law" will be enacted.

The indications are that the administration measure pending in the Senate will be passed by that body the last week in May. It will then go to a conference committee representing the two Houses. There are provisions in the House bill that will not be accepted by the Senate. Among the more objectionable is one authorizing the Interstate Commerce Commission to make a physical valuation of railroad property.

This proposition was rejected by the Republican national convention of 1908 by a vote of ten to one.

Brought Insurgents Over. Another section of the House bill that will meet opposition in the Senate is that declaring the telegraph and telephone to be "common carriers." Senate Republicans and the House leaders agree that if telegraph and telephone companies are to be brought under the Interstate Commerce law they should be dealt with in a separate bill.

To President Taft goes the greater share of the credit for bringing the insurgents into line on the railroad bill. He has been laboring with them for several days. It is believed that his speech at Pasadena Monday night had a good deal to do with the harmonious party action registered in the House yesterday.

The Democrats who supported the bill were Messrs. Russell, Gillespie, Hardy, and Smith of Texas; Roy and McClure of North Carolina; Jamieson of Iowa; Saunders of Virginia; Nichols of Pennsylvania; and Bartlett of Nevada.

Most of the Democrats were angry. They had stood by the insurgents in the fight to amend the bill, and hoped to be able to send the bill back to the committee, thus rebuking the administration.

Representative Mann, of Illinois, endeavored to secure the adoption of an amendment making mergers of railroads legal under certain circumstances. Section 12 of the measure which authorized mergers had been eliminated several days ago by a combination of insurgents and Democrats. The substitute offered yesterday by Mr. Mann prohibited mergers of competing lines, but permitted mergers not "substantially competitive." If approved by the Interstate Commerce Commission, the House leaders made every effort to force the adoption of this amendment, but it was defeated by a vote of 169 to 160.

## Commerce Court Saved.

Democrats and insurgents voted against the Mann substitute on the ground that it would break the force of the Sherman anti-trust law so far as railroads are concerned. Republicans from New England opposed it because of a belief that it would dissolve the consolidation of the Boston and Maine and the New York, New Haven and Hartford railroad companies.

The Democrats, led by Representative Adamson, of Georgia, made an effort to have the bill recommitted with instructions to eliminate the sections creating the commerce court and to make certain other changes that had been proposed from time to time by the Democrats in the progress of debate. The motion to recommit was defeated, 175 to 167. Twelve Republicans voted to send the bill back to committee. They were: Cary, Lenroot, and Nelson, of Wisconsin; Fowler, of New Jersey; Haugen, Hubbard, and Woods, of Iowa; Pindexter, of Washington; Davis and Lindbergh, of Minnesota; Gronna, of North Dakota, and Norris, of Nebraska.

The House bill goes to the Senate with a provision for the creation of a commerce court. It contains a clause that prohibits the railroads from charging more for a short than for a long haul over the same line. It authorizes the commission to suspend rates upon complaint for a period of 120 days. It requires the railroad to route goods as indicated by shippers. It is made an offense for the railroads to give a false quotation in the matter of a rate. It authorizes a physical valuation of railroads. Telegraph and telephone companies are declared to be common carriers. It makes it unlawful for a railroad to raise rates, without giving cause, after a railroad has put a water line out of business by lowering rates. It extends the provisions of the law to water transportation in Hawaii. The bill provides for governmental supervision over the issuance of railway stocks and bonds.

Situation in the Senate. The bill as reported authorized railroads to merge under certain conditions and to enter into traffic agreements upon the approval of the Interstate Commerce Commission. These sections were defeated by a combination of Republican insurgents and Democrats.

It was made clear in the Senate yesterday that there will be no vote on the railway bill amendments until Thursday or Friday, when Senators Cummins and Dooliver will have returned from Iowa.

The Republican leaders in the Senate were ready for a vote yesterday on the "long and short haul" amendment, and were prepared to make a motion to table Senator Dixon's amendment. Twelve Democratic Senators had given assurances of their support of a motion to table, and with this accession of strength the leaders felt confident of victory. They were even assured of more Democratic votes if they were needed. But the Republican insurgents and those Republican Senators, who, for local reasons, are in favor of the Dixon amendment, were unwilling to have a vote in the absence of the Iowa Senators. They planned a campaign of speechmaking that will occupy all of to-day and prob-

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Our "Daisy" Line of Women's Low Shoes, Price, \$2.50.

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Attractive Low Button Oxford Ties and Ankle Strap Pumps, in patent kid, patent colt, black gun metal, tan Russia calf; all the latest styles of heels and toes.